

Mt. Pleasant Zoning Board of Appeals
Minutes of Regular Meeting
10-28-15

Chairman Fokens called the meeting to order at 7:05 p.m.

I. Roll Call: Staff called roll.

Members Present: Ferden, Fokens, Friedrich, Orlik, Raisanen, White.

Members Absent: Berkshire

Staff: Kench, Murphy.

II. Approval of Agenda:

Motion by Raisanen, support by Friedrich, to approve the agenda.

Motion approved unanimously.

III. Approval of Minutes: October 1, 2015

Commissioner's Orlik noted two changes; one on page 10 and one on page 11, as noted below.

Page 10: Kench reported that United Apartments held an open house earlier this month to provide board members *the opportunity* to conduct a walkthrough of one of the redevelopments.

Page 11: Commissioner Orlik also commented that for the larger complexes he feels extra security is a good idea; and feels it needs to be equal *to* what we expect from the smaller homes.

Motion by Raisanen, support by Orlik, to approve the minutes from the September 23, 2015 meeting as amended by Commissioner Orlik.

Motion approved unanimously.

IV. Communications:

Staff reported that one communication was received from Tim Bebee regarding Case ZBA-15-15 which will be discussed in further detail during that review.

V. Public Comments:

Chairman Fokens opened the floor for public comments.

Lara Raisanen, 507 S. University, commented on the upcoming election, urging citizens to vote.

There being no one else who wished to speak, Chairman Fokens closed the public comments session.

VI. Public Hearings:

Chairman Fokens explained board proceedings, noting that a quorum was present.

A. ZBA-15-2015 - 914 W. Pickard - Coyne Convenience Stores.

Kench introduced case ZBA-15-2015 submitted by Coyne Convenience Stores asking for relief from Section 154.049A to allow an increase in the signage on the CITGO pylon sign to advertise Rec 90 fuel, which will result in the sign being lower and encroaching into the 8 ft. distance to grade requirement. In addition, the applicant is requesting additional signage over what is allowed on the property.

Kench shared an aerial view of the site, noting the area that is zoned C-3, which provides access to the facilities to the north, which are zoned I-1 Industrial.

Kench noted that the property in question is zoned C-3 and is surrounded by I-1 Industrial property to the north, east and south and C-3 Commercial property to the west.

Kench shared the ordinance limitations for signage in the C-3 district, with a total sign area of three square feet for each lineal foot of lot frontage permitted, with the maximum total of all signs not to exceed 200 square feet. In addition, filling stations are also allowed one pylon sign advertising the name of the business, including any special company or brand name, insignia or emblem, not to exceed 60 square feet, and shall not extend beyond the property line and shall not be less than 8 ft. or more than 30 ft. above the ground. Total allowed signage would be 260 square feet.

Kench shared photos of the signs on the property, noting that if approved, the new signage would total just under 400 square feet.

Kench shared site plans that were approved in previous years for this site and noted that the calculations provided by the applicant included the I-1 Industrial zoned property; however, commented that the Board should only take into consideration the C-3 property.

Kench shared the Ordinance language from section 154.164, listing the conditions that would need to be present for the Board to grant the variance.

In closing, Kench reiterated that the applicant is looking for variances to encroach into the 8' clearance to grade and to increase the amount of allowable signage on the property.

Commissioner Orlik commented that the site is limited to 260 square feet; however, from the numbers provided it appears as if the applicant is asking for 374 square feet. Commissioner Orlik also commented that it appears from the photos that the Rec 90 sign has already been installed. Kench verified that it was.

Chairman Fokens asked for clarification if they should only be looking at the C-3 zoned property. Kench commented that yes, based on the approved site plan from 1994. Kench also noted that there are currently two pylon signs on the property.

Tim Bebee, Central Michigan Surveying and Development, addressed the Board, representing the applicant. Mr. Bebee referred to the email he had sent earlier in the day

with revised calculations, noting that this would reduce the request to 310.29 square feet, which would only put them 50.29 square feet over the allowed signage. Discussion ensued on the calculations and which signage was included and/or excluded from the calculations.

Mr. Bebee commented that this property has frontage that is Industrial and frontage that is Commercial, arguing that these each need to be considered. He also commented that there are multiple uses on the site; the car wash, fueling station and restaurant portion of the business. Mr. Bebee reiterated that he feels the Board should look at the entire property, not just the portion that is shown in the 1994 site plan. He noted that it is "different out there" whereas normally there is one business on a parcel, however in this case there are several businesses on a single parcel.

Chairman Orlik asked who called attention to the Rec 90 sign. Mr. Bebee responded that the city contacted the applicant after the sign went up.

Chairman Orlik commented that he has a concern with the height clearance and the clear sight issue. Commissioner Ferden also noted a concern with possible vision obstruction.

Chairman Fokens asked if the Rec 90 could be displayed on the L.E.D sign and if that would meet the distributor's requirements. Mr. Coyne, applicant and owner of the property, indicated that it could be displayed there; however, he would have to check to see if it would meet the distributor requirements. He further commented that this is a specialty gas not offered by many places and using the L.E.D. sign doesn't satisfy him. Mr. Coyne also noted that the high profile vehicles use the larger drives.

Chairman Fokens opened the public hearing. There being no one who wished to speak, the public hearing was closed.

Kench shared the correspondence submitted by the Department of Fire Safety.

Board Discussion:

Commissioner Orlik commented that he has some concerns with the request, as the site already exceeds the allowable signage. In addition, he feels that some consolidation could take place to help with the overall amount of signage on the site, along with the height issue. Commissioner Orlik commented that he is not prepared to vote in favor, noting that perhaps a new site plan would help clarify the request and suggested that the case could be postponed to see if some consolidation could take place.

Vice-Chair Raisanen agreed, commenting that approval would increase the non-conformity that already exists on the site.

Commissioner Friedrich commented that he too feels steps could be taken to consolidate the signage and still allow the applicant to display the Rec 90 signage.

Chairman Fokens commented that he feels they could utilize the existing L.E.D. sign.

Motion by Orlik, support by Raisanen, to postpone Case ZBA-15-15 until such a time that the applicant brings back a new site plan taking into consideration the Board's concerns and to consolidate and reduce the overall signage on the site to reduce the existing non-conformity.

Motion approved unanimously.

B. ZBA-16-2015 - 510/612 W. Pickard.

Kench introduced case ZBA-15-2015 submitted by McGuirk Mini-Storage Inc., asking for a variance from section 154.149 to install a new pylon sign within the required fifteen foot setback (154.149B), with an overall height of 20 feet where ten foot is permitted, and a ground clearance of 5.5 feet where eight feet is required.

Kench reported that the site is zoned I-1 Industrial with I-1 Industrial property to the north, east and west and a combination of I-1 Industrial and C-3 General Business to the west. Future land use is designated as Industrial.

Kench shared the site plan that was recently approved by the Planning Commission for the new development. The first phase of this development will include a 100' x 100' warehouse, along with a mini-storage building.

Kench shared photos of the site, along with aerial views, noting that the property sits directly behind an already developed site, which limits the visibility to the property, making this property somewhat unique. In addition, Kench noted the limited access to the property, based on the location of the Railroad, the river and the site to the west of the entrance.

Kench reviewed the Ordinance language for granting variances, and also noted that the applicant is trying to match the signage on the neighboring Pickard Place property.

Vice-Chair Raisanen asked if this is one of the parcels that an updated zoning ordinance may benefit. Kench indicated it was, noting that along with the insufficiencies in the sign ordinance for the Industrial districts, the ordinance doesn't address Industrial park type developments.

Kench noted that this property is undergoing some environmental cleanup.

Tim Bebee, Central Michigan Surveying and Development, representing the applicant, addressed the Board. Mr. Bebee commented that this industrial park has a "throat" out to the main street. Looking at the development, he noted that there could be several businesses located there and, as a business owner, noted that it is a concern that people are able to find you.

Mr. Bebee commented that with several businesses potentially being located in the new development, there is a need to have the signage at the entrance to the park to identify that they are there. In addition, he noted there will be signage on the individual buildings once you enter into the area.

Chairman Fokens stated he visited the site and has a concern with visibility when exiting the site and feels that keeping the shrubbery to a minimum or removing it would help.

It was noted that there were stanchions located on the site, which are part of a water main vault, which extend 2' above the ground. Chairman Fokens commented that the drawing shows 4 1/2 ft. from the cement to the signage and he would want assurance that a clear vision area would be maintained with no additional signage to be added in the future.

Commissioner Ferden asked for clarification on the actual clearance of the requested sign. Mr. Bebee stated that it is 4 1/2 feet from the bottom of the sign to the concrete. Commissioner Ferden commented that she would prefer to see an increase in the clearance to the bottom of the sign even if this meant an increase in the overall sign height.

Vice-Chair Raisanen commented that she appreciates the applicant's attempt to put in a sign that is congruous to others in the area.

Chairman Fokens opened the public hearing.

There being no one who wished to speak, the public hearing was closed.

Kench shared the correspondence submitted by the Department of Public Safety.

Board Discussion:

Commissioner Ferden reiterated that she feels it is more important to have clearance from the ground up for safety reasons.

Motion by Ferden, support by Orlik, to approve Case Number ZBA 16-2015, filed by Tim Bebee, Central Michigan Surveying & Development Company on behalf of Chuck McGuirk, seeking a variance to construct a new pylon sign for their new industrial park off West Pickard Street with the following modification: That the sign meets the minimum ground clearance of 8', and in doing so would allow an increase in the height of the sign by 1 1/2'.

Vice-Chair Raisanen suggested including in the motion a limitation on the height. Mr. Bebee clarified that the concrete extends 2' above the ground, therefore the 8' ground clearance would be 6' above the concrete.

Vice-Chair Raisanen also suggested that the open space be kept clear of foliage.

Kench noted that based on the plan, the Board would also need to address the setback issue.

Commissioner Ferden rescinded her previous motion.

Motion by Ferden, support by Orlik to approve Case Number ZBA 16-2015 filed by Tim Bebee, Central Michigan Surveying & Development Company on behalf of Chuck

McGuirk, seeking a variance to construct a new pylon sign for their new industrial park off West Pickard Street with the following conditions:

- 1) The base of the sign will be no less than 6' above the cement casing, resulting in 8' minimum ground clearance.
- 2) Foliage is to be kept clear of the area so as not to impair the clear vision area.
- 3) The overall height of the sign shall not exceed a height of 21 1/2 ft above the ground.

In addition, the Board approves the proposed setback.

The Board finds that the request complies with section 154.164 to permit the variance request.

The Board recognizes the site is part of an environmental clean-up project that has been redeveloped in phases over the past 10 years, creating difficulty in complying with the zoning standards. The new site has limited access from the public street, is surrounded by the railroad, the river and is screened from view by Pickard Place, which was part of the initial redevelopment that occurred on this site.

Motion approved unanimously.

VII. ~~Old & New~~ Business - None

VIII. New Business

- A. November 18, 2015 Meeting:** Kench reported that no applications were submitted by the deadline, however, case ZBA-15-2015, which was postponed tonight may be on the November agenda.
- B. Citizen's Academy:** Kench explained a new opportunity being presented to the community. The City is ready to launch its first Citizens' Academy. This will be a six session program beginning in January and going through February on Wednesday evenings. The program is designed to help citizens gain knowledge of the functions and structure of their city government. Applications are available online or through the Community Services office.

XII. Adjournment

Motion by Orlik, support by Ferden, to adjourn.

Motion approved.

Meeting adjourned at 8:21 p.m.

BAM